

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-703-E**

5 AN ORDINANCE REZONING APPROXIMATELY 2.56± ACRES,
6 LOCATED IN COUNCIL DISTRICT 8 AT 14255 DUVAL
7 ROAD, BETWEEN HIGATE ROAD AND DUVAL PLACE WEST
8 (R.E. NO. 019365-0000), AS DESCRIBED HEREIN,
9 OWNED BY MDH JAX, INC., FROM RESIDENTIAL-RURAL
10 ACRE (RR-ACRE) DISTRICT TO PLANNED UNIT
11 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
12 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
13 INDUSTRIAL USES, AS DESCRIBED IN THE 14255 DUVAL
14 ROAD OFFICE WAREHOUSE PUD, PURSUANT TO FUTURE
15 LAND USE MAP SERIES (FLUMS) SMALL-SCALE
16 AMENDMENT APPLICATION NUMBER L-5855-23C; PUD
17 SUBJECT TO CONDITION; PROVIDING A DISCLAIMER
18 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
19 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
20 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
23 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
24 portions of the Future Land Use Map series (FLUMs) in order to ensure
25 the accuracy and internal consistency of the plan, pursuant to
26 companion application L-5855-23C; and

27 **WHEREAS**, in order to ensure consistency of zoning district
28 with the *2045 Comprehensive Plan* and the adopted companion Small-
29 Scale Amendment L-5855-23C, an application to rezone and reclassify
30 from Residential-Rural Acre (RR-Acre) District to Planned Unit
31 Development (PUD) District was filed by Fred Atwill on behalf of the

1 owner of approximately 2.56± acres of certain real property in Council
2 District 8, as more particularly described in Section 1; and

3 **WHEREAS**, the Planning and Development Department, in order to
4 ensure consistency of this zoning district with the *2045 Comprehensive*
5 *Plan*, has considered the rezoning and has rendered an advisory
6 opinion; and

7 **WHEREAS**, the Planning Commission has considered the
8 application and has rendered an advisory opinion; and

9 **WHEREAS**, the Land Use and Zoning Committee, after due notice
10 and public hearing, has made its recommendation to the Council; and

11 **WHEREAS**, the City Council, after due notice, held a public
12 hearing, and taking into consideration the above recommendations as
13 well as all oral and written comments received during the public
14 hearings, the Council finds that such rezoning is consistent with the
15 *2045 Comprehensive Plan* adopted under the comprehensive planning
16 ordinance for future development of the City of Jacksonville; and

17 **WHEREAS**, the Council finds that the proposed PUD does not
18 affect adversely the orderly development of the City as embodied in
19 the *Zoning Code*; will not affect adversely the health and safety of
20 residents in the area; will not be detrimental to the natural
21 environment or to the use or development of the adjacent properties
22 in the general neighborhood; and the proposed PUD will accomplish the
23 objectives and meet the standards of Section 656.340 (Planned Unit
24 Development) of the *Zoning Code* of the City of Jacksonville; now
25 therefore

26 **BE IT ORDAINED** by the Council of the City of Jacksonville:

27 **Section 1. Subject Property Location and Description.** The
28 approximately 2.56± acres are located in Council District 8 at 14255
29 Duval Road, between Higate Road and Duval Place West (R.E. No. 019365-
30 0000), as more particularly described in **Exhibit 1**, dated July 17,
31 2023, and graphically depicted in **Exhibit 2**, both of which are

1 attached hereto and incorporated herein by this reference (the
2 "Subject Property").

3 **Section 2. Owner and Applicant Description.** The Subject
4 Property is owned by MDH Jax, Inc. The applicant is Fred Atwill,
5 9001 Forest Acres Lane, Jacksonville, Florida 32234; (904) 610-8975.

6 **Section 3. Property Rezoned.** The Subject Property,
7 pursuant to adopted companion Small-Scale Amendment Application L-
8 5855-23C, is hereby rezoned and reclassified from Residential-Rural
9 Acre (RR-Acre) District to Planned Unit Development (PUD) District.
10 This new PUD district shall generally permit industrial uses, and is
11 described, shown and subject to the following documents, attached
12 hereto:

13 **Exhibit 1** - Legal Description dated July 17, 2023.

14 **Exhibit 2** - Subject Property per P&DD.

15 **Exhibit 3** - Written Description dated July 11, 2023.

16 **Exhibit 4** - Site Plan dated July 11, 2023.

17 **Section 4. Rezoning Approved Subject to Condition.** This
18 rezoning is approved subject to the following condition. Such
19 condition controls over the Written Description and the Site Plan and
20 may only be amended through a rezoning:

- 21 (1) Any and all outside storage shall be permissible by Zoning
22 Exception only. In addition, any outside use of vehicles
23 in excess of one-ton capacity or any equipment, machinery,
24 ditching machines, tractors, bulldozers or other heavy
25 construction equipment shall be permissible by Zoning
26 Exception only.

27 **Section 5. Contingency.** This rezoning shall not become
28 effective until thirty-one (31) days after adoption of the companion
29 Small-Scale Amendment; and further provided that if the companion
30 Small-Scale Amendment is challenged by the state land planning agency,
31 this rezoning shall not become effective until the state land planning

1 agency or the Administration Commission issues a final order
2 determining the companion Small-Scale Amendment is in compliance with
3 Chapter 163, *Florida Statutes*.

4 **Section 6. Disclaimer.** The rezoning granted herein
5 shall not be construed as an exemption from any other applicable
6 local, state, or federal laws, regulations, requirements, permits or
7 approvals. All other applicable local, state or federal permits or
8 approvals shall be obtained before commencement of the development
9 or use and issuance of this rezoning is based upon acknowledgement,
10 representation and confirmation made by the applicant(s), owner(s),
11 developer(s) and/or any authorized agent(s) or designee(s) that the
12 subject business, development and/or use will be operated in strict
13 compliance with all laws. Issuance of this rezoning does not approve,
14 promote or condone any practice or act that is prohibited or
15 restricted by any federal, state or local laws.

16 **Section 7. Effective Date.** The enactment of this Ordinance
17 shall be deemed to constitute a quasi-judicial action of the City
18 Council and shall become effective upon signature by the Council
19 President and the Council Secretary.

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21 Form Approved:

22
23 /s/ Mary E. Staffopoulos

24 Office of General Counsel

25 Legislation Prepared By: Connor Corrigan

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